



# Department of Justice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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## **KINGPIN IN OZONE DEPLETING CFCs IMPORT CONSPIRACY**

### **SENTENCED TO 6 ½ YEARS IN PRISON**

***Conspirator Forfeited Million-Dollar Mansion, Luxury Car & Diamond Ring;***

***Ordered to Pay Additional \$1.8 Million in Restitution***

HARTFORD, Conn.— Barry Himes, the lead defendant in a complex multi-year, multi-million dollar conspiracy to import and sell ozone-depleting chlorofluorocarbon gases ("CFCs") by false pretenses and to avoid taxes was sentenced today to a term of 6½ years in prison. Himes was also ordered to pay \$1.8 million in restitution, as well as a fine of \$12,500. He had previously forfeited a \$3 million dollar mansion on the Connecticut River, a BMW sedan and a three-carat diamond ring, in accordance with the terms of a plea agreement with the U.S. Attorney's Office in New Haven, Conn., and the Environmental Crimes Section of the U.S. Department of Justice in Washington, D.C.

Co-conspirator John Mucha was sentenced to a term of four years in prison. Mucha, who was ordered to pay \$1.2 million in restitution, also forfeited his own BMW sedan. Another defendant, accountant Richard Pelletier, will be sentenced today. A total of ten individuals have pleaded guilty to federal charges in connection with this investigation.

CFCs, which are used primarily as refrigerants and industrial solvents, are ozone depleting substances that are subject to strict regulations under the Clean Air Act because of the danger that they present to the Earth's protective ozone layer. When released into the air, CFCs migrate into the upper atmosphere where they destroy the ozone, a naturally occurring gaseous compound that protects the Earth from the sun's harmful ultraviolet radiation. These chemicals are subject to a substantial excise tax of several dollars per pound, which is imposed to discourage their use and to promote the transition to more ozone-friendly replacement products.

This case is the second largest prosecution regarding ozone-depleting substances and is part of a nationwide CFC anti-smuggling initiative by the Justice Department, the Environmental Protection Agency and the Customs Service. To date, more than 114 individuals have been convicted in numerous illegal CFC import schemes, and courts have imposed significant prison terms and several millions of dollars in fines and restitution in a number of these cases.

“We will not tolerate criminal conduct that is detrimental to our environment,” said Tom Sansonetti, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. “The Environment Division will continue its strong enforcement efforts against anyone who tries to gain an unfair advantage at the expense of the environment,” Sansonetti added.

“As these defendants learned the hard way, CFC smugglers get caught, prosecuted, fined and sent to federal prison,” said John Peter Suarez, EPA’s Assistant Administrator for Enforcement and Compliance Assurance.” “This settlement sends a clear message that pollution doesn’t pay. We will take all actions necessary to enforce our laws against those who put the public at risk.”

The defendants imported and sold more than one million pounds of CFCs between 1996 and 1998, using the name of various shell companies to conceal their control of these transactions to defeat any efforts by the Internal Revenue Service to collect the resulting excise or income taxes. They used multiple offshore bank accounts in the Bahamas and Antigua as well as other corporate bank accounts in Nevada and New York, to launder the money, hide their income, and create a false appearance that the income from the CFC sales proceeds was going to unrelated third parties. The money was then used to buy luxury cars, boats, expensive jewelry, and to build a river-front mansion in Lyme, Conn.

The case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the Internal Revenue Service-Criminal Investigation Office and the United States Customs Service. The case was prosecuted by the U.S. Attorney's Office for Connecticut and the Environmental Crimes Section of the U.S. Department of Justice.